

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The final Office Action dated January 23, 2006, has been received and its contents carefully reviewed. Applicants note that a Notice of Appeal was filed on July 7, 2006.

Claims 1-5 and 7-14 are rejected by the Examiner. Claims 1, 5, 7, 9, and 11 have been amended. Claims 1-5 and 7-14 remain pending in this application.

In the Office Action, claims 7-14 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Claims 7-14 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-5, 7 and 10-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2003/0061126 to Erke et al. (hereinafter "Erke") in view of U.S. Patent No. 6,738,748 to Wetzer (hereinafter "Wetzer"). Claims 8 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Erke and Wetzer in further view of Hillier et al. (hereinafter "Hillier") (*Introduction to Operations Research*).

In the Office Action, claims 7-14 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. In response, Applicant hereby amends independent claim 7 to recite "[a] computer software encoded with a program for forecasting unscheduled demand for a plurality of different components, the program when executed performing the steps of" Applicant respectfully submits that claim 7, as amended, overcomes the rejection under 35 U.S.C. § 101, and respectfully requests that the Examiner withdraw the rejection.

In the Office Action, claims 7-14 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully submits that claim 7, as amended, overcomes the rejection under 35 U.S.C. § 112, second paragraph, and requests that the Examiner withdraw the rejection.

In the Office Action, claims 1-5, 7 and 10-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Erke in view of Wetzer. Applicant respectfully traverses the rejection of

independent claim 1 and requests reconsideration. Independent claim 1, as amended, is allowable in that it recites “establishing a plurality of statistical models for a probability of unscheduled component demand as a function of time and a failure rate of a component, wherein each of the plurality of statistical models includes a linear combination of variables pertaining to component use; for each component, collecting historical unscheduled component demand data,” and “for each component, using the collected historical unscheduled component demand data to select one statistical model from the plurality of statistical models, wherein the selected model most closely matches the historical unscheduled component demand data.” Nothing in Erke and Wetzer, alone or in combination, teaches at least this feature of the claimed invention. Accordingly, Applicant respectfully submits that claim 1, and its dependent claims 4–5, are allowable over any combination of Erke and Wetzer.

Applicant respectfully traverses the rejection of independent claim 7 and requests reconsideration. Independent claim 7, as amended, is allowable in that it recites “establishing a plurality of statistical models for modeling unscheduled demand for the components as a function of a failure rate of each of the components, wherein each of the plurality of statistical models includes a linear combination of variables pertaining to component use; for each component, collecting historical unscheduled component demand data,” and “for each component, selecting one of the statistical models of the plurality of statistical models for a probability of unscheduled component demand, wherein the selected statistical model most closely matches the historical unscheduled demand data corresponding to the component.” Nothing in Erke and Wetzer, alone or in combination, teaches or suggests at least this feature of the claimed invention. Accordingly, Applicants respectfully submit that independent claim 7, and its dependent claims 10–14, are allowable over any combination of Erke and Wetzer.

In the Office Action, claims 8 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Erke and Wetzer in further view of Hillier. Applicant respectfully traverses the rejection and requests reconsideration. Claims 8 and 9, which depend from independent claim 7, are allowable because Hillier fails to cure the deficiency of Erke and Wetzer to teach or suggest the features of claim 7 cited above. Accordingly, Applicant respectfully submits that claims 8 and 9, as they depend from independent claim 7, are allowable over any combination of Erke, Wetzer, and Hillier.

Applicants believe the foregoing amendments place the application in condition for allowance and early, favorable action is respectfully solicited.

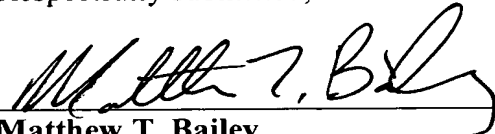
If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. § 1.136, and any additional fees required under 37 C.F.R. § 1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. *A duplicate copy of this sheet is enclosed.*

Respectfully submitted,

Dated: August 31, 2006

By



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